

2020 FEB 25 AM 8:26

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

Administrative Order
2020-03

AUTHORIZING RELEASE OF
INFORMATION MAINTAINED
IN THE ADULT PROBATION
ENTERPRISE TRACKING SYSTEM
AND YUMA COUNTY PRETRIAL
SERVICES ACTIVITY RECORDS TO
ARIZONA STATE UNIVERSITY

The Administrative Office of the Courts (AOC) maintains the Adult Probation Enterprise Tracking System (APETS). APETS is the statewide adult probation case management system and repository for records kept during the time an offender is on pretrial supervision, probation supervision, or had a Public Safety Assessment (PSA) completed after an arrest. In Arizona, Probation Departments, excluding Pima County, use and provide data and information to APETS for completing the PSA pretrial risk assessment and for pretrial supervision. These records, as well as internal case tracking records of the pretrial services agencies, are the work product of probation officers and are closed from public inspection. *[See Rule 123(d)(2){A}, Rules of the Supreme Court]*

Rule 123 "govern[s] public access to the records of all courts and administrative offices of the judicial department of the State of Arizona." [See Rule 123(a)] This rule also contains specific authorization for employees of government agencies and private organizations serving a public purpose to be granted "such access to court records as required to serve that purpose according to this rule or as provided by any supplemental Supreme Court policies or court order." [See Rule 123(c)(6)]

The Arizona Code of Judicial Administration (ACJA) permits custodians of court or probation records to provide case records or data to federal, state, tribal and local government agencies and private organizations, the objective of which is to serve a public purpose, such as criminal justice, child welfare, licensing, mental health treatment, or research for scholarly or governmental purposes. *[See ACJA § 1-606: Providing Case Record Access to Public Agencies or to Serve a Public Purpose]*

Arizona State University School of Criminology and Criminal Justice has received grant funding from the Laura and John Arnold Foundation (Arnold Ventures, LLC) to be used to conduct research and evaluation of the impact of persons failing to appear for court during the pretrial phase in Coconino, Pima, Pinal and Yuma Counties. This evaluation will be helpful in the ongoing development of pretrial services in superior courts as well as to assist in the development of pretrial services in the limited jurisdiction courts in Arizona. Data needed for this evaluation will

1 come from APETS as well, as internal case tracking records, or other pretrial case information
2 kept at the county level. This data and information are considered work product of probation
3 officers and pretrial staff and are closed from public inspection. The sharing of information
4 from the counties will be addressed by local administrative orders.

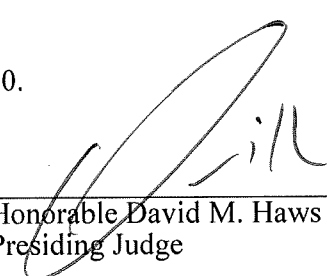
5 Additionally, the research project will include a survey to be mailed to a randomly
6 selected group of approximately 443 persons who are included in the research sample. This
7 survey will include questions to assess the person's reasons for failing to appear for court or why
8 they chose to appear for all court hearings. The US Postal mailing address and electronic mail
9 address for these persons, if available, will be provided to ASU for this limited purpose. The AOC
10 will provide the US Postal mailing addresses and electronic mail address, if available, from
11 APETS.

12 THEREFORE, pursuant to Article VI, Section 3, of the Arizona Constitution and Rule
13 123, Rules of the Supreme Court,

14 IT IS ORDERED that the data identified, derived from the Yuma County Adult
15 Probation Department, specifically, the internal case tracking records or other pretrial case
16 information kept at the local level required for an analysis of pretrial released defendants for
17 the impact of failure to appear for court, may be provided to ASU for purposes of conducting
18 the aforementioned analysis and in accordance with the terms of the party's agreement with the
19 AOC.

20 IT IS FURTHER ORDERED that the confidential Yuma County information provided
21 by this order shall be maintained by ASU as confidential in compliance with all applicable
22 confidentiality requirements of Supreme Court Rule 123, as well as the agreement of the
23 parties.

24 DATED this 25th day of February 2020.

25 
26 Honorable David M. Haws
27 Presiding Judge

28 **Original filed with:**

Hon. Lynn Fazz, Clerk of the Superior Court

Copies to:

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Hon. Brandon S. Kinsey, Div. 6
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Susan K. Thorpe, County Administrator
Hon. Jon R. Smith, Yuma County Attorney
Michael Breeze, Yuma County Public Defender
Terri L. Capozzi, Yuma County Legal Defender
Shannon Gunderman, Conflict Administrator
Yuma County Bar Association